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**MINUTES OF THE COUNCIL AND GENERAL COURT
—1624-1629.**

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(CONTINUED)

95. Capt. Wm. Tucker sworne & axemined sayeth yt the Will produced in Court was ye will of John Busle(1) deceased & that ye said John Busle was at ye time of ye making of the same in perfect sense & memory, the will bearing date ye 9th of Decemb. 1624

Wherns there are two servants belonging unto ye estate of Luke Aden, deceased, now remaining at Accomacke, it is thought fitt that the said two servants shal be at liberty to choose their masters to serve for ye remind'r of their times, & that they put in good security for ye amount of soe much tobacco to be estate of ye said Luke Aden as shal be judged valuable for their service & by 4 sufficient & indifferent men uppon oath.

Uppon ye petition of Robert Wright, sawyer, at the Court there was leave given to him to remove fro' ye plantation where he now liveth on the other side of the water, to live in ye Island of James Citty, And it was ordered that the said Robert Wright shall have a platt of land granted him to live uppon and build an house.

Robert Hitchcock sworn & examined sayeth that about Aprill last past John Upton came to this deponent & desired that he might have the house & ground at Blacke point of my

(1) For Note on John Bush, see I, 194.

Lady Yeardley, give'ing unto her a reasonable rent because of ye repairing of the house & ye fense, & agreed to pay one hundred waight of tobacco & repair ye house & ye fense.

Finis Curiae Quarterniae (?)

A Court at James Citty the 12th of January 1626, present

Sir George Yeardley, knt. Governor Etc.

Doctor Pott

Mr. Claibourne

Capt. Mathewes

Capt. Tucker

At his Court the bond of good behavior taken of John Snoade John Preniss & Thomas Thornbury bearing date the 31st of January 1625 was cancelled & ordered that there should be a release givne them fro' the same.

At this Court was brought an Inventory of the goods of Ann Behoute, deceased, servant unto Gabriell Holland, of James Citty, yeoman, who arrived here in ye Virgine 1625. And the Court hath thlught fitt to grant a title of Administration uppon the said goods unto the said Gabriell Holland

Finis Curiae

A Court at James Citty the 5th of february 1626, being present

Sir George Yeardley, Knt., Governor, &c.

Capt. West

Mr. Doctor Pott

Capt. Smythe

M. Claybourne

Uppon a petition preferr'd in Court by Thomas Bagwell (2) against Thomas Harwood of the Maine, the cause being every way debated, it doth not appear to this Court that the said Thomas Harwood hath done any wronge unto the said Tho. Bagwell, concerning certain covenants made w'th his wife late the wife of Thomas Alnunt, and thereuppon it is ordered that Thomas Bagwell doe pay the charges of this suite

(2) In 1624, Thomas Bagwell lived at the Neck of Land near James City. He probably removed later to the Eastern Shore.

Wheras there hath been formerly a pattent of land given and granted unto Giles Jones of Kecoughtan, yeoman, bearing date the 14th of December 1619, for fifty acres of ground uppon the Easterly side of Southampton river at Kecoughtan as part of the dividint of Elizabeth the wife of the said Giles Jones an Ancient Planter and that it now appeareth to fall on this the Compasse of those 3000 acres of land formerly layed out for the use of ye late Company in that place.. And whereas now this said land is sold by the said Giles Jones & ye said Elizabeth unto Tho! flynt, gent., and that ye said Thomas flnyt w'thh is people is seated thereuppon: The Court therefore uppon full dehate thereof had now orderedc that the said Thomas shall have leave to take up the said fifty acres w'th'in the Compasse of ye Companyes land aforesaid and that farther in favor unto him in consideration of his paynes bestowed on the said land, that the said Thomas shall have a lease of the sad fifty acres granted him for ten years, yielding and paying yearly for ye same 50l. of tobacco.

At this Court s'd Thomas Flynt made petition that he might have leave to take upp that parcell of land called ffox Hill at Kecoughtan for part of his Divident, provided that the same land doe not fall out to be w'thin the Compaynyes land w'ch accordingly was granted unto him.

John Howe, gent., sworne & examined sayeth that the will & testament produced in Court of Will'm ffoster, deceased, was the true will of the said Will'm ffoster & that the said Will'm ffoster was then in prefect sense and memory.

Wheras there was an order of Court the 20th of December 1624 concerninge Henry Wilson & Will'm Minnes servants unto Capt. John Ward now resident in England, it being then ordered that the said Wilson & Minnes should plant for themselves for that year because that they pleaded that they had served Capt. Ward near uppon the full time of service that was due from them, & yet they knew not how to be satisfyed for 50 acres of land, victualls, apparell, tools and other things due be delivered unto them after the time of their service. And it was then ordered that they should enter into bond to satisfy

Capt. Ward for such further service as should be proved to be due from them before the first of January 1625. Now the Court at this time doe order in regards that there hath not hitherto been any such proofs made fro' Capt. Ward or any for him, that the said Henry Wilson & Will'm Minnes shalbe at liberty to plant for themselves And that if they doe enter into sufficient bond & be answerable to all suites & demands of the said Capt. Ward to save the Court harmless that there they may have their freedoms granted unto them.

It is likewise ordered that Christopher Barker late servant unto Capt. Ward shall have his freedom granted unto him and doe enter into bond to save the Court harmless ag's't any suites & demands made by the Capt. Ward.

Here follow two interrogatorys concerning w'ch Capt. Will'm Epes desired to have Capt. John Wards men to be examined

1. What croppes of tobacco & corne doe you know that Capt. Epes hath reaped at any time for Capt. John Ward?
2. What goods doe you know that Capt. Epes hath at any time bought of (off) fro' Capt. Wards plantation either before or since the Massacer?

Christopher Barker sworne & examined sayeth to the first Interrogatory that for the next sum'er after that Capt. Will'm Epes received the servants of Capt, John Ward there was noe Croppes of either Corne or Tobacco planted by the said Capt. Epes it being the sum'er after the Massacre; but about August they went to Accomac & were employed in building an house to shelter themselves. And about November next this deponent and Thomas Powell left Capt. Wards service.

2. To the second he sayeth that Capt. Epes before the Massacre tooke from the plantation of Capt. Ward about 60 l of tobacco w'ch this deponent saw delivered for to furnish the servants w'th some necessities & one barrell of pewter & after the Massacre he sayeth that Capt. Epes had nothing, but sent his boats & men and brought away ye servants, & that there was nothing saved belonging to Capt. Ward but a bed & a rugg, and the houses and all the goods in them were burnt about 4 days after.

Wm. Minnus his oath concerning the two Interrogatorys aforesaid

1st. To the first he sayeth that the year after the Massacer there was noe Cropes reaped; and the next yeare this deponent cannot justly say what the Cropes of tobacco came unto, but it was sayed there that it was 3000 L. of Tobacco for the whole Crophe between Capt. Epes his men & Capt. Wards men, those of Capt. Wards men those of Capt. Wards' men being foure men, & Capt. Epes his men, five, besides Capt. Epes had the help of three dutch men two of them continuing from June till the Crophe was in, the third fro' June till the middle of August. And they had but half an acre of Corne about the house. The third year he knoweth not what was reaped for the Crophe.

To the second this deponent sayeth that Capt. Epes before the Massacre took away from Capt. Wards plantation a barrell of pewter & he knoweth of nothing else at any time, but sayeth that Capt. Epes with his brother Mr. Peter Epes came & fetcht of the servants of the said Capt. Ward

Henry Wilson his oath concerning the two Interrogatorys aforesaid

1. To the first he sayeth in all points as Will'm Minnus hath sayed before.

2. To the second that some tobacco was sent for before the Massacre by Capt. Epes to by the servants apparell but else he knoweth of nothing that saide Capt. Epes had fro' Capt. Wards plantation.

Peter Strafferton sworne & examined sayeth that as concerning the Covenants produced in Court between John Williams, Marchant & William Lovell master of the shipp called the Aid, that this deponent was present when the said Covenant was read before M. Williams & M. Lovell & that the same were perfectly sealed, signed & delivered.

A Court at James Citty the 19th of February 1626, being present:

Mr. Doctor Pott

Capt. Smythe

Capt. Mathews

Mr. Secretary

Mr. Ffarrar

It is ordered that there shall be a warrant sent up unto Shirley Hundred in ye Maine that John Evins & Jane Hill should be sent downe to James Citty & there to be examined concerning such lewd behaviour as hath been between them.

[At this Court Alice Boyse, widow of Luke Boyse brought suit for slander against Capt. John Huddleston. He was charged with saying that there were illicit relations between Capt. Epes and Mrs. Boyse. The evidence of several witnesses who were at the house of James Slight (or Syle) & Bridges Freeman at Martins Brandon was taken; but it is of a nature impossible to print here. The result of the suit does not appear.]

Philemon Powell sworne & examined say that he hath not received according to his Invoice fro' aboard the Marmaduke two runletts viz., one being eight gallons of Aquaevit & ye other 21 gallons of Canary wine. It is ordered that Patrick Keneede Purser of the Marmaduke doe satisfy Philemon Powell, merchant, for one runlett of eight gallons of aquavita, & for another runlet of 20 gallons of Canary wine. And further for that it appeareth plainly that the said Philemon Powell hath received much wronge & damage in many of his runlets of wine & liquor some being wanting and one being delivered ashore empty, w'th a peg in it & one of the sailors being seen drunk at work(?), it is thereupon ordered that the said Philemon Powell be satisfied by the said Patrick Kenuede for fifteen gallons of wine in recompense of the said money & damage

At this Court Mrs. Alice Boise delivered in the Inventory of all her husbands viz., Mr. Luke Boise his goods & of all his Estate uppon her corporall oath then administered to her.

A Court held at James Citty the 26th of February 1626, being present:

Sir George Yeardley, Knt., Governor, &.

Capt. Smythe

Mr. Secretary

At this Court was delivered in an Inventory of one Margaret Byard who deceased aboard the Featherstone bound for

this Country about the third day of August 1622, of all the goods & chattles that came to the hands of Capt. Nathaniel Basse, uppon his corporall oath then taken.

William Newman being examined sayeth that being required to prayse the goods of one Margaret Byard he praysed the said goods uppon his oath & he knoweth of noe other goods belonging to the said Margaret which are not sett down in the Inventory.

Henry Coleman being examined sayeth that he knoweth of noe other goods or anything belonging unto Margaret Byard w'ch are not down in ye Inventeory.

Robert Thomson' (3) sworne & examined sayeth that in June 1620 there were fower old cowes & 15 calves & an old bull delivered by the governor to Mr. John Pountes at James Citty for the use of Mr. John Woodall. And this examine sayeth that Mr. Pountys sold two oxen of the said cattle delivered as aforesaid unto Capt. Sampson and further sayeth that the governor since his last arrivall killed of these cattle one young bull calfe & one suckling heifer and one stere of 4 years old. Lastly he sayeth that there died in the keeping of John Osborne one cow calfe of the increase of this said cattle & Richard Pierce killed one other calfe of the same stock. This examine also sayeth that there are now remaining of the said cattle 4 old cows, 4 steres, one bull of two years & a little stere of two years old, one yearling ox calfe & one yearling cow calfe & one yearling bull calfe. And one cow calfe of a month old. The deponent also sayeth that Mr. Pountis the year after the Massacer in the winter time lost six of the number of these cattle.

Henry Bradford, aged about 36, sworne & examined sayeth that he remembereth that there were certain cattle in the possession of Mr. Pountis but the number of them he knoweth not, but sayeth that Mr. Pountis sold two heifers to Capt. William Pierce & one calfe Mr. Pountis killed, & Richard

(3) At the time of the census of 1624-25, Robert Thompson, aged 40, who had come in the *London Merchant*, in 1620, and his wife Ann, were servants of Sir George Yeardley at James City. In 1624-5, Henry Bradford, aged 35, who had come in the *Abigail*, was a servant of Capt. William Pierce at James City.

Pierce killed one calfe of the said Mr. Pountis his Cowes. And further sayeth that one cove calfe died in the care(?) of John Osborne. And sayeth also that the governor since his coming in hath killed one yearling calfe & one suckling calfe, one barren heifer & one stere. And the deponent further sayeth that of the said Mr. Pountis his cattle there remain 4 Cowes 4 steres, one two years old bull, one stere two yensrs old, one bull two years old, one stere of one twelve months old, & one bull of a twelve month old, And one old bull remaineth.

John Evins being examined sayeth about August last past he made love unto Jane Hill the daughter of goodwiffe Rose (4) [and continued by making full confession] and sayeth with all that he then promised to marry her and she gave her good will unto him [Jane Hill made an equally frank and apparently, shameless confession. She also stated Evins said he would marry her] and sayeth also that she then loved him and did promise to marry him, but now she cannot find in her heart to love, neither will she marry him, ffurther this examine sayeth that divers times when she was unwilling to goe w'th him, hee told her that if she would not he would make her mother to beat her.

It is ordered that John Evins for his offence in that he hath lewdly behaved himself towards Jane Hill * * * * shall receive forty stripes with a whippe here at James Citty, and then be sent upp the plantation of Shirley Hundred where he committed the fact and receive forty stripes more before the officers & people of that place.

It is likewise ordered that Jane Hill for that shee hath at times committed fornication with John Evins shall upon the next Sunday during the time of divine service stand in the church in a whitte sheete at James Citty, and afterward be sent * * * Shirley Hundred there * * * * [The bottom of a page is worn off here; but evidently she was to perform the same penance where she lived. In connection with this case is an early mention lf a 'tobacco house'].

(4) At the Census of 1624-5, the Muster of Rebecca Rose, widow, at West and Shirley Hundred, consisted of Rebecca Rose, aged 50, who came in the **Marygold** in May 1619, and her children, Marmaduke Hill, aged 11, and Jane Hill, aged 14 who came in the same ship.

A Court at James Citty the 12th of March 1626, present:

Sir George Yeardley, Knt., Governor Etc.

Capt. West

Capt. Smythe

Mr. Doctor Pott

Mr. Secretary

At this Court James Chambers (5) had leave given him to remove from the other side of the water & plant at Hogg Island with Mr. Chew.

Wheras Will'm Baker, Tenant & Jonas Rakely, of James Citty Island planter,, have absented themselves from performing their duty at watching and have contrary to An order & proclamation in that case provided removed themselves and stayed at Hog Island for the space of nine dayse, it is there-uppon ordered that the said Will'm Baker and Jonas Rakley shall pay the fine in that case provided by the said proclamation.

Leonard Pedocke (6) sworne & examined sayeth that about the seaventh of February being in ye good shippe called the Saker at Matalina in the West Indyces there were divers people of their Company about ten of the clock in the morning on shoare slaine by ye Indians, but towards the Evening then twelve or sixteen of the said people remaining alive on shoare under a rocke, And this deponent further sayeth that about three of the clocke in the afternoon Mr. Douglas, master of their said shipp weighed ancor and came in with the shoar as near as he durst for coming aground being about the distance of a muskett shott from the shoare or less, then presently there were some appointed to play their shott towards the shoare to save the people and others employed about making or a raft w'ch was finished & went towards the shoare about the shutting in of the Evening with five men uppon the same one of them having a gunne, and lines being tyed to the raft to hale it aboard when need required, but as soone as the raft

(5) In 1624-5 James Chambers, who came in the **Dutie**, 1620, lived at the Treasurers' Plantation, James City. William Baker, aged, **24**, lived at Capt. Smith's plantation **Over the Water**, in 1624-5.

(6) This is one of the several instances in which the Virginia courts took cognizance of occurrences at sea. The words of the master, Douglas, were what one would have expected from one of his name, and it is probable that in the more heroic Elizabethan age he would have had a crew whose lives would not have been so "deere" to themselves.

came next the shoare two of the five forsook the raft & lept into the water, and the other three cryed out unto the shipp to hale aboard or else they were all lost, then the raft haled aboard: Afterwards this deponent sayeth that being come aboard, their Master called up all the people both seamen & passengers, & sayed which shall we doe to save our people on shoare, & sayed he himself would hazard his life to save them, whereuppon this deponent and all the rest of the Company answered the Master wee dare not doe anything more than we have done our lives are as deere to us as theirs and so utterly denyed their helpe unto the Master. Afterwards about 9 of the clocke at night the Master weighed ancor & stood upp the Bay fearing * * * * (edge of paper torn) the shoare, and the next morning the wind was so strong ag'st them as they could not fetch the place as it seemed to thes deponent, but their shipp was driven to leeward, before the wind passed 6 leagues, and then it fell calmer and afterward the Master steered away his course.

Thomas Gregory, Purser of the Saker sworne & examined sayeth that being in the raft w'ch was sent on shoare to save such of those people as remained alive at Matolina being as he thinketh to ye numb. of 12 or sixteen, they came within two pikes length of the shoare and very near the people who saved themselves under a rock fro' the Ambuscade of the Indians over their heads & on both sides, then this deponent called to the people on shoare to come off unto them and lay hold on the raft & they could save them, the people denyed to doe it, sayeing they durst not for feare of the Indians w'ch lay over their heads and on both sides while they were in this parley the Indians discovered themselves and shott both at those on shoare & those uppon ye raft, were * * * two of * * [bottom of page worn off] sea & swam on towards the shipp, then this deponent & the other two as were left seeing themselves in danger cryed out to the shipp to hale them aboard, w'ch was presently done & further sayeth as much for the rest as Leonard Pedock before hath done.

John Weeks, saylor, Henry Speed, saylor, Richard Carnithy, saylor, Willim Thunne, saylor, sworne & examined say

as much as Leonard Pedock hath done, And further sayeth that the wind was soe stronge ag'st them that they could not possibly get into the road but were driven five or six leagues to Leeward but then they had a calme and easy variable gales for 24 hours after, soe at last being out soe far to leeward and not having any mind to bring them into the harbor they steered away their course.

William Douglas, Mariner, and Thomas Gregory sworne & examined sayeth that the Inventory by them was brought unto the Court bearing date the first of March 1622, of a such goods as any way belonged unto Capt. Will'm Holmes at the time of his death, is a true & perfect Inventory to their utmost knowledge.

John Southern, gent., sworne & examined, sayeth that himselfe, Randall Smallwood, Thomas Crompe & Gabriel Holland being chosen umpyres & Arbitrators between John Upton & Caleb Page concerning accounts to co-partnership betwixt them, they the said Arbitrators did see both their accounts, and thereuppon arbitrated the matter as in a schedule bearing date the Xth of February last appeareth, And further sayeth that at that time there was noe other account nor anything else mentioned that was not there set downe. And that they corrected each others account before the arbitrament made by them

Randall Smallwood sworne & examined sayeth as much as above sayed by the said John Southerne.

John Headland, Mariner, and Master of the Peter and John & Francis Moyne, purser, sworne & examined say that they being at Graves End Mr. George Sandys having shipped seaven servants aboard, and paid for the passage of but six the seaventh named John Blockson sayd that if Capt. John Preene did not thinke glod to accept pa'm't for the passage in the Country of Virginia that then said Capt. Preene might either turne the said John Preene ashoare or doe what he would with him.

Whereuppon it is ordered that notw'thstanding the Indentures of the said John Bloxson, bound unto ye aforementioned Mr. Sandys that Capt. Preene shall dispose of the said Bloxson, and further the said Capt. Preene to make satisfaction unto Mr. Sandys his

Attorney in this Country for such apparell as hath been delivered unto ye said John Bloxson belonging unto ye said Mr Sandys.

Whereas Mr. Richard Kingswell in the behalf of Mr. Abraham Persey hath made complaint that certain damage hath been done unto the said Abraham Persey in some of his goods brought over in the Peter and John, the Court haveing had full debate & consideration in the matter do not see of any recompense be meade for the said damage; but that it happened either by the leaking of the said cask or badness of the same

Peter Andrews, Mariner, & Robert Hutchinson, mariner, sworne & examined concerning something between Robert Cook & one Thomas Lawley, say that they never knew nor heard any thing concerning the same, in the time that they were at sea.

Abraham Berusted sworne & examined sayeth that about three weeks or a month before their arrival in this Country in ye good shipp called the plantation being between decks in his Cabin saw one Robert Cook & one Thomas Lawley falling out & rangling where uppon the said Cooke took the said Lawley by the collar of his doublett, and, pushed the sayd Lawley soe that he brought him allmost unto the deck of the shipp that they stood uppon, And this deponent forther sayeth that the said Cook did not then beat the said Lawley either on the head(?) or otherway nor did he sett his foot or his knee uppon the said Lawley complaine of any hurt that he then receaved And this deponent further sayth that the said Cook did not offer the said Lawley nor did the said Lawley any other violence or hurts at that time, but that they were then presently parted, And sayeth that not withstanding he this deponent lay in the Cabin opposite ag'st the said Lawley he never heard that the said Cook had done and never saw him spitt blood.

Then was a petition preferred by Alexander George ag'st the Company of the Peter and John, now the master mate Hugh Weston, Quartermaster & coupers haveing taken their Corporall oaths that neither themselves nor any other person whatsoever on the shipp to their knowledge did pierce or draw

any of that butt of rum for which he required substitution in his sayed petition & it appearing thereby & by other circumstances that it might casually leake out, the Court finds noe cause whereby to lay any damage uppon ye shipp or Company

Uppon the petition of Arthur Smyth and there being produced in Court our bond of Farrar Flinton & the said Flintons * * * to deliver two men servants unto John Bainham or his Assignees or to pay 500l. of tobacco, & one other bond of the said Farrar made unto the said Arthur Smyth to deliver one servant unto the said Arthur or else to forfeite six score weight of tobacco & four barrells of corne, And one other covenant made by the said Farrar unto John Snoade to send the said John one youth of 17 years or thereabouts or to pay in forfeiture 250 l. of Tobacco. Now in consideration hereof and that Farrar Flinton is not here in this Country, nor any other Attorney to answer for him the Court hath thought fitt that order be sent downe to Capt. Tucker that soe much of the estate of the said Farrar remaining in this Country, be delivered unto the possession of the fore named creditors as will satisfy his said bonds & covenants to them made provided that noe man on behalf of the said Farrar can show any cause to the contrary for the present, or if the said Farrar or Attorney for him shall be in this Country within twelve month and a day next ensuing the date hereof they the said forenamed creditors shall be lyable to answer unto any suite or suites of the said Farrar or his attorney concerning the said debts.

(To be Continued.)